

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ANGEL SUAREZ,

Supervisee.

No. 11-cr-839 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

UPON DUE CONSIDERATION, the Court finds that the government has proven by a preponderance of the evidence that Supervisee Angel Suarez violated his term of supervised release, as set forth in Specification 6, when he committed assault in the second degree, in violation of New York State Penal Law § 120.05(4). Assault in the second degree includes conduct that “recklessly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument.” N.Y. Penal Law § 120.05(4). The parties stipulated to evidence demonstrating that, on May 30, 2021, Suarez drove his car approximately 60 miles per hour in a 25 mile-per-hour zone, resulting in a four-vehicle collision, whereupon one unresponsive victim was admitted to the hospital, intubated for airway protection, and placed on a ventilator for two days. The victim was released from the hospital two days after he was extubated. Considering the severity and the nature of the injuries, the Court finds – and the Defendant does not contest – that the victim’s injuries created a “substantial risk of death,” constituting a “serious physical injury” under New York’s Penal Code. *See id.*; *id.* § 10.00(10); *see also People v. Addison*, 123 N.Y.S.3d 857, 858 (App. Div. 2020) (finding “serious physical injury” where the victim suffered a collapsed lung); *People v. Thompson*, 639 N.Y.S.2d 52, 53 (App. Div. 1996) (same).

Accordingly, IT IS HEREBY ORDERED THAT sentencing will proceed as to Specification 6 and all other specified violations on October 14, 2022, as previously set forth in the Court's minute entry of September 13, 2022.

SO ORDERED.

Dated: September 14, 2022
New York, New York

A handwritten signature in blue ink, appearing to read 'RJS', is written over a horizontal line.

RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation